

REMARKS

I. Status of the Claims

Claims 33-36, 38-46, 59 and 60 are pending in this application. Claims 33, 59 and 60 are independent claims. Claims 1-32 and 47-58 were previously canceled pursuant to a restriction requirement. The foregoing amendments to the claims are minor, no new matter has been added.

II. Allowable Subject Matter

Claims 33-36 and 38-46 have been allowed.

III. Objections to the Claims

Claims 59 and 60 have been objected to, on the grounds that “the first and second print stations” and “the print stations” allegedly lack antecedent basis. Applicants submit that there is antecedent basis for first and second printer stations, and that therefore the objection is moot in view of the foregoing amendment.

Allowed claim 33 has the same reference to first and second “print stations”, and therefore this claim has also been amended for consistency, although it was not objected to.

Claim 60 was objected to on the grounds that “the composite image” lacked antecedent basis. Applicants submit that there is antecedent basis for “registered image”, and that therefore the objection is moot in view of the foregoing amendment.

All of the claims have been amended slightly to make it even more clear that the registered images that are printed with the apparatus according to the invention are ink-laden images, which is different and distinct from the laser etching apparatus and method disclosed in WO 91/01884.

IV. Rejections Under 35 U.S.C. § 102

Claims 59 and 60 have been rejected under 35 U.S.C. § 102 as allegedly being anticipated by WO 91/01884 (“WO ‘884”). In making the rejection, the Examiner relies on laser marking system 41, disclosed in the reference, as purportedly reading on the claimed second printer station.

In the previous response, the claims were amended to recite that the first and second images are “applied,” which already distinguishes the situation described in WO ‘884 in which a first background, such as a rectangle, is applied by printing followed by part of the image being removed by etching to form the image.

However, to make the claimed subject matter even clearer, all of the independent claims have been amended to recite that the first and second images are applied in ink. Claim 60 goes further and recites that the first and second component images are applied by an offset printer.


The arguments made previously with respect to WO ‘884 still apply. Specifically, WO ‘884 does not disclose composite images, but only a single image element etched into a background. Further, the reference does not disclose two printer stations that apply a first and second ink image, but only a first printer station followed by an etch station that removes ink from the substrate. Moreover, WO ‘884 teaches away from the presently claimed invention, setting forth the conventional wisdom that highly detailed and defined images could not be formed on shaped edibles by offset printing. WO ‘884 teaches the etching system as an alternative to offset printing.

Favorable reconsideration of the outstanding rejections and objections is respectfully requested on the basis of the foregoing amendment and remarks.

The other claims in this application not specifically addressed above are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Moreover, applicants addressed the merits of each of the secondary references at some length in the previous response, which remarks have not been addressed on the record. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Applicants' attorney of record may be reached in our New York office by telephone at (212) 218-2100. All correspondence should be directed to our below-listed address.

Respectfully submitted,



Raymond R. Mandra
Attorney for Applicants
Registration No. 34,382

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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